United Nations A/60/349

General Assembly

Distr.: General
18 August 2005

Original: English

**Sixtieth session**
Item 73 (c) of the provisional agenda*
**Human rights questions: human rights situations and reports of special rapporteurs and representatives**

# Report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the Report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights, submitted pursuant to Commission on Human Rights resolution 2005/76 and decision 2005/276 of the Economic and Social Council.

* A/60/150.

05-48683 (E) 121005

*Summary*

The present report follows previous reports of the High Commissioner to the General Assembly (A/59/340), and to the Commission on Human Rights (E/CN.4/2005/113). It contains information on developments from January through to the end of July 2005, including on my visit to Sierra Leone in mid-July.

While progress is being made towards achieving the benchmarks set for the United Nations Mission in Sierra Leone (UNAMSIL) by the end of 2005, peace remains fragile. The critical issues of marginalization and exclusion that were the underlying causes of the conflict and which were identified by the Truth and Reconciliation Commission are yet to be addressed. Other human rights concerns that require continued attention are the protection of the rights of women and protection of children from child labour. Despite the existence of an Anti-Corruption court, corruption is widespread and the judiciary weak. The efforts of the international community to secure the peace in Sierra Leone will be complemented by a significant follow-up human rights presence in the country. There is a need to counteract the climate of impunity and encourage duty bearers to live up to their responsibilities. It is also important that the human rights presence undertakes public reporting on human rights issues, including corruption as an impediment to the enjoyment of economic, social and cultural rights. The international community should encourage African leaders to jointly take a position for the surrender of Mr. Taylor to the Special Court in the interest of both justice and peace.

Sierra Leone has continued to enjoy relative peace and political stability, albeit with substantial international support. The poor state of the economy remains the largest potential threat to peace, stability and the continuous enjoyment of basic human rights and fundamental freedoms under the rule of law. Addressing these problems effectively to prevent possible threats to relative peace in the country remains the most daunting challenge confronting Sierra Leone and its people. The transition from emergency relief to post-conflict recovery and reconstruction has been accompanied by a robust peacebuilding effort by the Government of Sierra Leone jointly with the United Nations through the United Nations Country Team (UNCT) within the framework of the benchmarks and tasks spelled out in Security Council resolution 1562 (2004). This process has also witnessed continued improvements in the human rights situation, especially in the area of civil and political rights.

The decentralization of government and the creation of new local government structures at the district level continue to enhance the participation in governance and the exercise of political rights at the local levels. There are gradual efforts to incorporate some of the international human rights treaties into national law and to establish institutions for the promotion and protection of human rights. The Government released the "White Paper on the Truth and Reconciliation Project" response to the report of the Truth and Reconciliation Commission, accepting in principle to implement the recommendations of the Commission. Although Parliament passed an act on the establishment of a national independent human rights commission, as provided for in the Lomé Peace Agreement, it has not been established. The Special Court remains functional, and the trials of those indicted for war crimes are continuing, but the Court faces a number of challenges, including funding.

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# I. Introduction

1. The Commission on Human Rights, in its resolution 2005/276, requested the United Nations High Commissioner for Human Rights to report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session on assistance to Sierra Leone in the field of human rights, including with reference to reports from the Human Rights Section of the United Nations Mission in Sierra Leone (UNAMSIL).

# II. The human rights situation

## A. Reports of the Secretary-General and the United Nations High Commissioner for Human Rights

2. Since the High Commissioner for Human Rights submitted a report on assistance to Sierra Leone in the field of human rights to the General Assembly at its fifty-ninth session (A/59/340), the Secretary-General has submitted the twenty-third (S/2004/724), twenty-fourth (S/2004/965), and twenty-fifth (S/2005/273 and Add.1-2) reports on UNAMSIL to the Security Council, as well as a report on inter-mission cooperation and possible cross-border operations between UNAMSIL, the United Nations Mission in Liberia (UNMIL), and the United Nations Operation in Côte d'Ivoire (UNOCI) (S/2005/135).

3. In his twenty-third report, the Secretary-General noted improvements in the human rights situation but indicated that they were undermined by problems in the justice sector concerning a lack of human and material resources and an important backlog of cases.

4. In his twenty-fourth report, the Secretary-General noted that while the overall human rights situation in the country continued to improve under a stable general security environment, the socio-economic situation in the country remained a serious challenge to prospects of national recovery. The Secretary-General also reported on the submission of the final report of the Truth and Reconciliation Commission to the President, Ahmad Tejan Kabbah, and on the agreement signed by the Special Court on the enforcement of sentences, which will allow some of those convicted to serve their sentences outside Sierra Leone.

5. In his report on inter-mission cooperation and possible cross-border operations between UNAMSIL, UNOCI and UNMIL, the Secretary-General noted that the root causes as well as the effects of the conflicts in Côte d'Ivoire, Liberia and Sierra Leone were intricately linked, and that restoration of peace in the subregion required that a number of key issues be addressed at both the national and subregional level. UNAMSIL, UNMIL and UNOCI should enhance cooperation in the area of human rights.

6. In his twenty-fifth report, the Secretary-General reported that progress towards the building of national capacity in human rights protection and promotion continued. Although a culture of respect for human rights had not yet taken root, there had been no serious violations of human rights and humanitarian law.

7. By its resolution 1610 (2005) of 30 June 2005, the Security Council extended the mandate of UNAMSIL until 31 December 2005.

## B. Right to life and security of the person

8. The general trend is towards a greater respect for the right to life and security of the person. There are no reports of arbitrary killings, extrajudicial executions or a persistent and pervasive pattern of gross human rights violations in the country. Allegations of such violations are routinely investigated and perpetrators prosecuted in accordance with the law.

9. However, the Government's response to some civil and political issues such as boundary disputes, complaints against paramount chiefs or complaints arising out of chieftaincy elections, have not been dealt with timely or in accordance with any transparent process. Most disturbing is the perennial "Yenga issue", a border dispute on the precise demarcation of the boundary between Sierra Leone and Guinea. The residents of several villages and towns along the border, historically part of Sierra Leone, have been forced to abandon their homes and property and to flee to surrounding towns and villages due to harassment and intimidation by Guinean soldiers. In April 2005, five United Nations military observers were arrested briefly and their cameras confiscated by Guinean soldiers when they ventured into one of the border villages in the Kambia district.

10. The death penalty is still part of national law and there are 21 persons including two women on death row at the Pademba Road Prison in Freetown. In its report submitted to the President on 5 October 2004, the Truth and Reconciliation Commission recommended the abolition of the death penalty. Regrettably, in the "White Paper on the Truth and Reconciliation Project" published on 28 June 2005, the Government rejected this call affirming that it will only take recourse to this remedy for the most serious crimes.

11. After prolonged delays, the prosecution of the 67 ex-combatants of the former Revolutionary United Front (RUF) and 34 "West-side Boys" detained since 2002 has commenced and is still in progress.

12. There are no political prisoners in detention. However there is one journalist serving a prison term, convicted under a law that criminalizes conduct growing out of the exercise of the rights of freedom of expression. The Truth and Reconciliation Commission report recommended the abolition of laws that criminalize conduct growing out of the exercise of free speech.

## C. Amputees

13. One of the notorious characteristics of the Sierra Leone conflict was the mutilation and amputation of civilians. The reintegration of those wounded during the war remains a daunting challenge. Many of the amputees and wounded, further handicapped by the lack of basic services, especially proper medical care, clean drinking water and adequate educational facilities for their children, have been reduced to beggars on the streets of Freetown and other major towns across the country.

14. Many of the amputees and wounded are accommodated in camps set up by the Norwegian Refugee Council under a housing and resettlement project for amputees and wounded. The World Food Programme (WFP) and international non-governmental organizations (NGOs) supported amputees and wounded in these camps with food rations, non-food items and medical services up to June 2004. The

absence of support to these camps has seen a gradual reduction in the number of inmates. Aberdeen Camp with an original population of 230 registered amputees in 1999 has now only 37. The population of Grafton, located in the outskirts of Freetown, has declined from 115 to 75.

15. I will continue to urge the Government of Sierra Leone to give priority attention, in cooperation with the international community, to the development and implementation of programmes aimed at addressing the special needs of victims of mutilations and their dependants, especially of women and children in their care, and in particular those sexually abused and/or gravely traumatized. In its report, the Truth and Reconciliation Commission recommended a reparation package for the amputees and wounded, providing for their needs in the areas of health, pensions, education, skills training and microcredit. Although the Government accepted these recommendations, it limits its implementation to the availability of resources and support from the international community.

## D. Children's rights

16. Some progress has been made in the implementation of children's rights. Almost all abducted and separated children have been reunited with their families. Through the assistance of UNAMSIL, United Nations Children's Education Fund (UNICEF) and other donors, schools continued to be constructed or rehabilitated, and many children have returned to school. UNAMSIL continued to give voice to children through a regular radio programme, the Voice of Children. However, children still remain vulnerable in Sierra Leone. The synergistic effect of traditional practices, illiteracy, poverty and the lack of adequate educational facilities, coupled with the absence of basic social services, continues to deny many children the rights and freedoms to which they are entitled under the Convention on the Rights of the Child. The situation is particularly serious in the case of the girl child. Not only do girl children continue to be subjected to traditional practices such as female genital mutilation, but many are not sent to school or are prematurely removed from school and subjected to early and forced marriages. In many parts of the country, girls under 14 are forced into marriages with men old enough to be their fathers and grandfathers. The girl child's right to express herself in such settings is severely restricted by tradition and culture. Hence they continue to suffer in silence.

17. Another major obstacle to the realization of the rights of children is the high dropout rate at the secondary school level, especially of girls. This is exacerbated by the scarcity of post-primary schools in rural areas leading to limited opportunities for education beyond primary level. Children graduating from elementary schools in many rural areas are forced to relocate to other areas to attend secondary school or to walk for long hours to and from schools in neighbouring towns. This exposes them to various hazards, including rape and other forms of sexual violence. Especially in rural areas, parents prefer using their children particularly girls for house chores or as farm hands rather than sending them to school.

18. The Government is currently implementing a policy aimed at providing free education and school materials to girls attending secondary schools in the northern and eastern provinces. The Government-led campaign, "send your girl child to school" and the "United States Girl Child Education Scholarship pilot programme" targeting 3,000 girls of primary school age in Port Loko, have emerged as important

tools in the war against early and forced marriages and in support of girl child education. Other positive initiatives in this area have been undertaken by the Forum for African Women Educationalists (FAWE), Plan Sierra Leone, and the International Development Agency. The African Development Bank sponsored the SABABU Education Project, aimed at rehabilitating basic education facilities and providing basic skills training to children until 2007, is also commendable. Nevertheless, there are still a large number of children who do not have access to basic education due to the absence of educational facilities, logistics and supplies, as well as trained and qualified teachers.

19. Child neglect, child abuse and sexual assault remain perennial problems in Sierra Leone. Reports from the Child Protection office of UNAMSIL show an increase in reported cases of sexual abuse against children, in some cases as young as six years old. The NGO Cooperazione Internazionale (COOPI) recorded 1,000 victims of sexual abuse in Kono District and Western area between April 2002 and June 2005. UNICEF is supporting the International Rescue Committee to provide medical treatment and counselling for the victims. The Government is encouraged to extend to rural communities the practice of establishing family support units in police stations.

20. The juvenile justice system remains an area of concern. There are continuing reports of juveniles arrested, detained in police cells, tried in open court and sentenced to jail terms without the involvement of probation officers of the Ministry of Social Welfare, Gender and Children Affairs, and in violation of the Joint Protocol signed by the police and the Ministry. In Makeni, for instance, a 14-year-old boy was charged with stealing 11,000 Leones (approximately US$ 4). Without legal counsel, and without either the parents of the child or the probation department of the Ministry being notified, the child was tried by the Magistrate Court in Makeni in April 2005, convicted and sentenced to 18 months imprisonment. It took the intervention of the UNAMSIL Human Rights Section and the Bombali Human Rights Committee for the sentence to be overturned and the child released.

21. Another problematic area is the non-separation of juvenile and adults in detention facilities and prisons as well as the emphasis on incarceration for juvenile offenders. UNICEF is funding Defence of Children International, an NGO to provide training for staff of departments involved in juvenile justice and to emphasize alternatives including diversion to the traditional judicial processes. UNICEF has also provided funding to the Ministry of Social Welfare, Gender and Children Affairs to facilitate bail for children in conflict with the law in districts where there are no remand homes or approved rehabilitation facilities.

22. As indicated in my last report, there is only one remand home and one approved correctional school for juveniles in Sierra Leone. Both facilities are located in Freetown and do not meet minimum international standards. A second remand home built in Bo, with funding from UNAMSIL and UNICEF is still under construction. The only existing approved correction school was established in 1947 with a capacity for 150 inmates but currently has no educational facility, running water or fence. The children are fed once a day. Hence, many of them routinely abscond never to return.

23. Human trafficking, especially of children, both externally and internally is still a serious issue in Sierra Leone. The civil war created a situation where children became particularly vulnerable to trafficking. The Government has shown some

readiness in addressing the issue, and Parliament passed an anti-trafficking bill. Human rights NGOs, in collaboration with UNAMSIL Human Rights Section have launched awareness-raising and sensitization activities, inter alia, by organizing workshops and advocacy in the mass media.

24. Child labour continues to be a problem. Children continue to be lured into working in diamond areas, including in underground mines, for long hours with low wages and in hazardous conditions.

25. Street children, another legacy of the decade armed conflict in Sierra Leone remains a serious scourge. They lack parental care and support and roam the streets of Freetown, begging for alms or engaging in prostitution or other forms of criminal activities. The large number of street children is also related to the widespread poverty affecting over 70 per cent of the population, who live on less than one dollar a day. Some special programmes also had been developed by UNICEF and the National Commission for War-Affected Children to address the problem of street children by re-unifying them with their parents through implementing NGOs.

26. Economic planning is seriously constrained by the absence of statistical information in a country where a considerable proportion of the population does not have birth certificates. Some assistance has been provided through a UNICEF programme that registered 23,000 children in Kambia District, Northern Province, and 18,000 in Moyamba district, Southern Province. However, there is a need to extend this programme to the rest of the country and to seek durable solutions.

27. Corporal punishment remains prevalent and is used at home and in schools and imposed by courts. In June 2005, a 12-year-old girl was given 12 lashes on her back in open court upon the orders of a magistrate in Port Loko.

28. The establishment of human rights clubs in secondary schools by the UNAMSIL Human Rights Section has facilitated increased awareness in the communities and among children. Such clubs have been established in five secondary schools in Port Loko District, three in Magburaka District, two in Kabala, Koinadugu District, and four in Kenema. There are plans to establish additional clubs in secondary schools in the remaining eight districts.

29. Legislative initiatives to improve the human rights situation of children have been slow. The child rights bill, prepared with international support is still with the Attorney-General and Minister of Justice and has not yet been introduced in Parliament.

30. The Child Protection Adviser in the Office of the Special Representative of the Secretary-General continued to provide technical advice to the Government on child protection issues and engaged in training and capacity-building in child protection and child rights for the Government, non-governmental institutions and the communities.

## E. Gender-based violence and women's rights

31. There has been increased advocacy on women's issues, but this needs to be complemented by concrete legislative action. The Government is currently preparing its initial report to the Committee on the Elimination of Discrimination against Women, although it ratified the Convention in November 1988. The Human

Rights Committee in Parliament, working with civil society organizations and the Government, concluded nation-wide consultations in both Freetown and the provinces on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Draft law developed as a result of these consultations is yet to be considered by Parliament. By the same token, a draft bill on sexual offences, prepared by the Law Reform Commission, is still with the Attorney-General and Minister of Justice, and is yet to be presented to Parliament. The Law Commission has embarked on consultations to prepare a law on domestic violence, and is also in the process of finalizing a bill on inheritance, succession and matrimonial laws.

32. The number of those convicted by courts of law for offences related to gender violence continues to rise. Since my last report, nine more convictions have been noted for gender and sex-related violence.

33. In the area of technical assistance, the Division for the Advancement of Women conducted two training programmes for staff of the Ministry of Social Welfare, Gender and Children Affairs and gender focal points from other ministries. The workshops were conducted as follow-up to the mission undertaken in October 2004 by experts from the Committee on the Elimination of Discrimination against Women to assess the implementation of the Convention by the Government of Sierra Leone.

34. Notwithstanding the limited success, cultural and traditional practices and the continuous existence of discriminatory laws against women in several areas continue to undermine the full realization and enjoyment of rights by women. Poverty, which affects women disproportionately, exacerbates the situation. Women continue to be grossly underrepresented in government. Women hold only 11 per cent of seats in the new local government councils. Only 18 out of 124 parliamentarians are women. In the senior ranks of the civil service, only 8 out of 125 are women.

35. Domestic violence, rape and other forms of gender-based violence continue to characterize the life of women in modern Sierra Leone. Customs, tradition and ignorance encourage these violations and abuses, as well as frustrate reporting and investigation by the police. Domestic violence, although widespread in Bombali, Kenema and Kono districts, goes largely unreported by victims in part because of fear of stigmatization. Some victims also refuse to cooperate with the authorities in pressing charges against their abusive spouses. In order to stop and ultimately reverse this trend, the human rights committees in the districts and NGOs, notably the International Rescue Committee, embarked on a public education campaign to raise awareness of women's rights issues. The campaign is being conducted under the auspices of the Ministry of Social Welfare. This campaign is complemented by the establishment of "rainbow centres" by the International Rescue Committee to provide shelter and legal and medical assistance to victims of sexual and gender-based violence. Such centres have been established in Freetown, Koidu and Kenema.

36. Although the "rainbow centres" have been very helpful in responding to the victims of sexual and gender-based violence, their existence is limited to only three locations. There is a need to ensure greater national coverage and wider assistance to victims. In this regard, the Government needs to put in place a comprehensive

system of care for victims of rape and sexual and gender-based violence, which ensures that perpetrators are brought to justice.

37. Another widespread practice, which is sustained by traditional culture practices, is female genital mutilation. Although there has been a longstanding campaign to raise public awareness on this topic, very little progress has been made in reducing its occurrence. There remains a strong need for the Government to enact appropriate legislation to deal with this entrenched scourge.

38. In my last report to the General Assembly, I made reference to the case of a 19-year-old woman allegedly assaulted and killed by UNAMSIL peacekeepers in April 2004 (A/59/340, para. 32). To this date, the investigation has not been concluded and no charges have been preferred. The Board of Inquiry established by UNAMSIL has not submitted its report.

## F. Refugees, internees and internally displaced persons

39. Most of the refugees have been repatriated from Guinea and Liberia. However, there is ongoing voluntary repatriation of residual refugee population from neighbouring countries, under the auspices of the Office of the United Nations High Commissioner for Refugees and the National Commission for Social Action. In June 2005, the International Committee of the Red Cross verified 250 unaccompanied Sierra Leonean children in Guinea. One hundred of them have been traced and reunited with their families, while the rest are yet to be traced. ICRC reports that there are an additional 100 children who are staying with relatives in conditions rendering them vulnerable to abuses. A task force comprising UNICEF, the Ministry for Social Welfare and UNHCR is now working on modalities for the repatriation of all these children.

40. While most of the internally displaced persons, victims of the civil war, have returned home to their areas of origin or voluntarily resettled elsewhere, a large number of Sierra Leoneans continue to squat in makeshift houses along major roads in Freetown and in towns in the provinces in subhuman conditions. To address the problems posed by squatting, the Government launched "operation free flow", which involves dismantling makeshift homes and forcefully evicting all squatters. The exercise is still going on; it is needless to say that such measures by the Government need to be complemented by providing real alternatives for those affected.

41. On 24 March 2005, the Governments of Sierra Leone and Liberia signed a memorandum of understanding concerning the repatriation of 397 Liberian ex-combatants who had been interned at the Mapeh and Mafanta Camps in Port Loko and Tonkolili Districts. By the end of April, the voluntary repatriation exercise was completed. However, there still remains a substantial number of Liberian refugees in Sierra Leone, including 13,122 in Kenema District, of whom 6,588 are in Largo Refugee Camp and 6,535 in Tobanda Camp.

## G. Economic, social and cultural rights

42. The post-conflict context in Sierra Leone is characterized by massive poverty, high levels of illiteracy (over 80 per cent) and a disturbing high level of youth

unemployment, mostly of ex-combatants. An integrated household survey conducted by the Office of Statistics indicates that 70 per cent of the population lives on less than one dollar a day. Basic services, such as drinking water and electricity, are still lacking in most parts of the country, while health care and educational services are grossly inadequate.

43. Despite improvements in the diamond sector, concerns still remain about health hazards and other patterns of human rights violations in the mining sector. In Koidu, Kono District, for example, kimberlite mining is carried out in locations surrounded by residential areas. The life of the people in the affected communities, including schools, is disrupted when they are forced to evacuate their homes and seek shelter elsewhere during blasting. These environmental impacts and impact on human rights of mining activities should be addressed, especially the plight of those forced to abandon their homes as a result of blasting operations.

# III. Human rights activities of the United Nations Mission in Sierra Leone

## A. UNAMSIL Human Rights Section

44. The mandate of the UNAMSIL Human Rights Section includes monitoring, investigation and reporting, training and capacity-building, sensitization and advocacy, and technical cooperation. Part of the exit strategy in anticipation of the withdrawal of UNAMSIL is to build national capacity in the area of human rights by involving the people of Sierra Leone in human rights work and encouraging the development of appropriate national institutions. Already, human rights committees have been established in 10 of the 12 districts, including Freetown as the Western area. Through ongoing programmes, it is expected that at least 750 human rights monitors drawn from at least 300 civil society organizations would have been trained in human rights, democracy and the rule of law by December 2005.

45. In the area of technical cooperation, UNAMSIL Human Rights Section is supporting the implementation of the Office of the United Nations High Commissioner for Human Rights (OHCHR) project to support follow-up activities of the Truth and Reconciliation Commission. This includes ensuring the finalization of the report and its distribution, and public awareness activities on its findings and recommendations. In order to ensure continuity of human rights programming, UNAMSIL is also supporting advocacy for the establishment of a National Human Rights Commission, which has been approved by Parliament.

46. In terms of coordination, the Human Rights Section is a full member of the United Nations Country Team (UNCT), and chairs its Committee on Human Rights and its Human Rights theme group. It is also engaged in activities to mainstream human rights in the work of various United Nations agencies. At the district level, Human Rights Field Offices are integrated into and provide human rights capacity to all inter-agency collaborative networks. The Human Rights Section also coordinates closely with other sections of the mission, especially with the gender and child protection officers in the office of the Special Representative of the Secretary-General, the United Nations Civilian Police (CIVPOL) as well as the Public Information Section and the Civil Affairs Section.

47. Additionally, it is also the implementing partner for several projects funded by OHCHR under its comprehensive programme of assistance to Sierra Leone in the area of human rights. Under this programme, OHCHR is supporting the establishment of human rights and law reference libraries, various training activities on monitoring, reporting, follow-up and implementation of recommendations of treaty bodies, as well as the dissemination of the Truth and Reconciliation Commission report and sensitization on its findings and recommendations.

## B. Activities in the districts

48. UNAMSIL Human Rights Section maintains offices in 10 of the 12 districts. As part of its exit strategy, it has trained and deployed national staff to work under the supervision of international human rights officers in all its District Offices. All UNAMSIL mandate activities are carried out simultaneously in Freetown and the 12 districts. Local content in the work of the Human Rights Section is also ensured through increased collaboration with local NGOs in monitoring, investigation and reporting on human rights issues.

49. Training and capacity-building activities in the districts continue to be focused on Government officials, especially law enforcement officers, police, military, prison and judicial personnel, and representatives of civil society groups. It routinely utilizes Radio UNAMSIL and other community radios in the districts to expand and reinforce its human rights sensitization and awareness activities.

50. The implementation of the human rights mandate of UNAMSIL entails the establishment and maintenance of an extensive network of collaborative relationships with local and international NGOs, local authorities, schools and teachers. The Human Rights Section participates in the weekly District Security Committee (DISEC) meetings, monthly Child Protection Committee meetings of the Ministry of Social Welfare, Gender and Child Affairs, Police Partnership Board meetings as well as monthly inter-agency coordination meetings of the National Commission for Social Action. It is also engaged with the Transition Support Team of the United Nations Development Programme (UNDP), which serves as an institution of the UNCT to coordinate the decentralization programme of the Government and to support the newly established district councils.

## C. Monitoring of courts, prisons and police stations

51. The court system is still generally weak and less efficient than one would have expected after several years of United Nations presence. The major problems are inadequate human and material resources. These have translated into huge case backlogs, excessive adjournments, including of criminal cases, and prolonged pre-trial detentions. The juvenile justice system is virtually non-existent. In the Makeni Prison, for example, UNAMSIL human rights monitors have reported several cases of pre-trial detention for periods ranging from six months to three years. In Kenema, the absence of a judge resulted in the high court not sitting for nearly six months between November 2004 and April 2005. In the same vein, the court in Bombali District did not convene for almost four months.

52. To demonstrate the enormity of the problem, the Chief Justice, in his status report dated 19 May 2005, observed that of the five justices of the Supreme Court,

he is the only substantive member. The other four justices had been reappointed after their retirement on a yearly contract. To address the paucity of judicial officers the Government, with funding from UNDP, justices of the peace were trained and appointed in all of the districts, to assist in the disposition of cases at the magisterial level. However, the Chief Justice has rightly noted, it is untenable to allow the empanelling of justices of the peace to act in lieu of magistrates to be the norm rather than the exception, as it is against the spirit and letter of the laws of Sierra Leone.

53. To address the perennial problem of judges and magistrates, an agreement has been reached between the judiciary and UNDP, providing financial assistance to set up a national judicial institute, which will among other functions train law graduates unable to meet the entry requirements of the Sierra Leone Law School to prepare for the bar examinations. The course, initially to be run by the Sierra Leone Law School, will last for six months and lead to a postgraduate diploma in law. Successful candidates would then be appointed as magistrates. The institute, when fully functional, will also provide training for all judicial officers including judges. In the meantime, consideration is being given to hiring practising barristers as part-time magistrates on a contractual basis to enable the judiciary to clear the backlog of cases.

54. The customary law court system is being gradually improved and consolidated, and a process is now being elaborated to enhance and facilitate the taking of appeal from customary to statutory courts of record.

55. In support of the judicial sector, the United Kingdom Department for International Development (DFID) has allocated £25 million for the reform and improvement of the justice sector. Consultations are taking place under the auspices of a justice sector committee comprising representatives of DFID, UNAMSIL, UNDP and Government addressing issues such as the codification of national laws, codification of the opinions of the Supreme Court, development of customary laws and practices, and training and capacity-building of the police and prisons.

56. Sustained training and capacity-building activities targeting the security forces are bearing fruits, as evidenced by greater professionalism, respect and observance of international human rights standards by the police. So far, over 9,000 officers have been trained by CIVPOL in various aspects of policing, including international human rights standards.

57. One area of notable progress in the operations of the police is family and domestic issues, for which special Family Support Units have been established. So far, these units exist in 21 police divisions and 34 police stations, involving 152 trained personnel country-wide. Through training provided by UNAMSIL, DFID and UNICEF these officials play leading roles in investigating and prosecuting cases of violence against women and children, as well as in raising public awareness of the issues. Despite their success in Freetown and major cities, these units have yet to be effectively created in the districts, and where they do exist, they are grossly under-resourced. A related issue is the question of communal pressure, which sometimes constrains the ability of Family Support Units to prosecute cases.

58. Notwithstanding a general improvement in the functioning of the police, there are still shortcomings in various areas, and mainly as concerns mixing juvenile with adult offenders in detention, irregular involvement of the Ministry of Social Welfare

Gender and Children Affairs or Family Support Units in matters involving juveniles, detention of persons beyond the statutory limit, and transfer of suspects to prisons without duly signed court orders. Efforts are also being made to improve police community relations through the establishment of police partnership boards.

59. A comprehensive study of the prison conditions undertaken by UNAMSIL Human Rights Section in May 2005 shows that prison conditions, although varying at the various facilities, faced five major challenges, namely lack of access to safe drinking water, inadequate health-care facilities and medication, limited facilities for rehabilitation programmes, overcrowdedness, weak supervision and management, and lack of access to legal representation. Efforts should be made to address these shortcomings to ensure that prisons become institutions of reform and rehabilitation, not merely places for punishment.

## D. Training and capacity-building

60. As part of its comprehensive programme of assistance to Sierra Leone in the area of Human Rights, OHCHR funds a training programme implemented by UNAMSIL Human Rights. This programme targets local organizations and those affiliated to them. The participation of local groups in human rights committees established in the various districts has facilitated the identification of trainees and follow-up on their progress, as well as mentoring. So far, a total of 305 human rights monitors from 176 organizations have been trained under this project. Training sessions have been conducted in the five major centres (Kenema, Makeni, Koidu, Freetown and Moyamba). It is expected that by the end of the training series, a total of at least 750 human rights monitors from all districts would have benefited from the programme.

61. Training under the project funded by OHCHR has also covered reporting to treaty bodies and follow-up on their recommendations. This aspect of the training responds to the specific capacity needs of Sierra Leone, which although a signatory to various human rights treaties, has been unable to comply with its reporting obligations under the various treaties. In this regard, a treaty reporting training was conducted from 14 to 17 June 2005 in Freetown. Participants in the training were drawn from Parliament and the ministries of Foreign Affairs, Justice, Social Welfare, Gender and Children Affairs, Labour, Education, and Defence, among others. As a follow-up to that training, UNAMSIL Human Rights Section is assisting the Government to draw up a policy paper on treaty body reporting, allocating responsibilities to specific ministries for preparing the reports, and developing a process in which all relevant stakeholders, including the NGO community, can participate.

62. In addition to the comprehensive training programmes for human rights committees, human rights field offices in the various districts also conduct training programmes in specific areas for local groups, and engage in advocacy and sensitization programmes directed at their respective communities. Many of the activities in the districts are undertaken in collaboration with other organizations, some of them international NGOs.

63. To facilitate collaboration and coordination with local groups and various human rights actors, the Human Rights Section provides secretarial support to the monthly meetings of the Freetown-based *Human Rights Committee, composed of*

human rights and pro-democracy organizations in Freetown and Western area. This kind of support is provided in the districts by the human rights officers deployed in the area where the relevant human rights committee is located.

64. The Human Rights Section continues to assist and support the human rights work of international NGOs such as CARE International, Caritas, Global Rights, Defence for Children International, COOPI and the International Rescue Committee through training and capacity-building, and some of these organizations are now also training others in the districts.

## E. Technical cooperation and advocacy

65. Within the framework of the comprehensive programme of assistance of OHCHR to Sierra Leone, UNAMSIL Human Rights Section is establishing human rights and law reference libraries in three districts of the country — Bo, Makeni and Kenema — in collaboration with the Sierra Leone Library Board. The Board identified and allocated space for the establishment of the libraries, while OHCHR/UNAMSIL will provide the books, necessary materials and logistics. When fully established, the libraries will be used not only by human rights and pro-democracy NGOs, but also by legal practitioners, students and the general public.

66. Under the same project, human rights books and reference materials will be provided to the Law Courts Library, the Bar, Parliament and key educational institutions in the country, including the Sierra Leone Law School, Njala University College and Milton Margai Technical College. The initiatives in this area have encouraged human rights committees in the rest of the country districts to embark upon constructing their own facilities for training and workshops as well as libraries. The project will be expanded to also provide assistance to these processes.

67. In accordance with the report of the Secretary-General to the Security Council on inter-mission cooperation (S/2005/135), the UNAMSIL Human Rights Section is working collaboratively with the human rights sections of other United Nations missions in West Africa. The head of the UNAMSIL Human Rights Section participated in two inter-mission cooperation meetings for heads of human rights components in United Nations peacekeeping missions in West Africa held in Dakar in March and June 2005. In April 2005, the Human Rights Section received a two person delegation from the Human Rights Section of UNMIL to learn and share the experiences of UNAMSIL in the area of transitional justice mechanisms, with focus on the Truth and Reconciliation Commission. UNAMSIL is slated to host the next quarterly meeting of heads of human rights components in peacekeeping missions in September 2005.

## F. National human rights commission

68. In July 2004, Parliament passed a law establishing a national human rights commission. However, the Government is yet to take concrete action towards implementing this legislation. The inability of the Government to take any action in this regard continues to be a matter of serious concern, especially taking into account the human rights challenges facing the country.

# IV. Transitional justice

## A. Truth and Reconciliation Commission

69. The Government of Sierra Leone released its "White Paper on the Truth and Reconciliation Project" on 28 June 2005. In it the Government expressed its unreserved regrets and sympathy to all those who in one way or the other have been subjected to the outrages occasioned by the war, with particular reference to victims of torture, rape, sexual abuse, sexual slavery, trafficking, enslavement, abductions and amputations, among others, and pledged its commitment to provide remedies. It also accepted most of the recommendations of the Commission, except those requiring the abrogation of the death penalty and the separation of the Office of the Attorney-General from the Ministry of Justice.

70. On the question of reparations, the White Paper merely stated that the Government accepted the recommendations on reparations "in principle", subject to the means available to the State, taking into consideration the resources available to it and assistance received from the international community.

71. As part of OHCHR support to the Truth and Reconciliation Commission process, activities have been designed for implementation by the Human Rights Section to ensure the effective dissemination of the Truth and Reconciliation Commission report and to sensitize the public on its findings and recommendations. In this regard, the Human Rights Section, working collaboratively with human rights committees in the various districts, has facilitated the establishment of dissemination and sensitization committees at district and chiefdom level. To complement this exercise, funds have also been provided under the OHCHR project for the summarizing and translation of the report into local languages, as well as for the printing and distribution of an abridged version of it. To enhance local participation in this exercise, my Office has awarded grants to the Center for Media, Education and Technology (C-MET) and the Truth and Reconciliation Working Group (both of which are local civil society organizations) to participate in the dissemination and sensitization of the report, using the media and other local mechanisms.

72. In order to ensure an effective and sustainable implementation of the recommendations of the Truth and Reconciliation Commission, the law provides for the establishment of a "Follow-up Committee". This Committee is mandated under the Truth and Reconciliation Commission Act to monitor government compliance with and the implementation of the recommendations of the Truth and Reconciliation Commission. The current activities aimed at supporting the objectives of the Truth and Reconciliation Commission would benefit from the establishment of such a committee. In this regard, the Government is urged to take immediate action on this matter, and to speedily implement the recommendations, especially those the Commission characterized as "imperative recommendations."

## B. Special Court

73. On 1 July 2005, the Special Court for Sierra Leone entered its fourth year of operation. The second Trial Chamber of the Court is now fully operational; three judges have been appointed to the Chamber and the trial of indictees associated with

the former Armed Forces Revolutionary Council (AFRC) has started. The first Chamber continued the trial of indictees associated with the former Civil Defense Forces (CDF) and the former Revolutionary United Front (RUF), which began on 3 June and 5 July 2004 respectively. In addition to these ongoing trials, the Prosecutor indicated the possibility of additional, albeit limited, indictments linked to existing indictments.

74. Two of the 11 indicted persons, namely Johnny Paul Koroma, former chairman of AFRC and Charles Ghankay Taylor, former President of Liberia, shall have to be brought into the custody of the Court. While Koroma's whereabouts are unknown, Mr. Taylor is in exile in Nigeria, as part of the political settlement of the civil war in Liberia. During my visit to Sierra Leone, I stated publicly that delays in the delivery of Mr. Charles Taylor to the Special Court contributed to a climate of impunity in the region, which could undermine the consolidation of peace in both Sierra Leone and Liberia. Accordingly, I encourage all stakeholders to call upon African leaders to jointly take a position for the surrender of Mr. Taylor to the Special Court in the interest of both justice and peace.

75. On 24 May 2005, the President of the Special Court, Justice Emmanuel Olayinka Ayoola, briefed the Security Council. During the completion phase, the Special Court would wind down its core activities by rendering final judgements against all accused in custody and transferring those who are convicted to appropriate prisons in or outside Sierra Leone to serve their sentences. Already, the Special Court is negotiating agreements with States on the enforcement of sentences, and relocation and protection of witnesses. Based on the current usage of court time, it is estimated that at least one trial will be completed by the end of 2005, and all the trials will be completed at the trial chamber stage around mid-2006. However, there are several factors that could influence the progress of the trial process, ranging from the number of witnesses to illness or sudden unavailability of key individuals participating in the proceedings, to specific factors such as the location in Sierra Leone amidst a fragile and unpredictable political and security climate. Taking into account an estimated time for appeals of between four and six months, the appeals stage could finish by the end of 2006.

## V. Conclusions and recommendations

76. **To consolidate peace and prevent a recurrence of the civil war in Sierra Leone, actions must continue in six critical areas, until a culture of respect for human rights has been fully created and entrenched. First, the human rights situation in the country must continue to be closely monitored, investigated, and documented. In this regard, I have recommended, following my mission to West Africa, that the human rights components in UNAMSIL and UNMIL embark on more public reporting on individual responsibilities for human rights violations and other issues of concern in the country.**

77. **Second, training and capacity-building in the area of human rights must continue for relevant institutions of Government, such as the police, prisons and the courts. The civil society in Sierra Leone is still considerably weak and needs concerted training, capacity-building and mentoring.**

78. **Third, the Government must also move quickly to establish a national human rights commission. In the same vein, the Government should promote**

**healing and reconciliation, and take measures to disseminate the report of the Truth and Reconciliation Commission, sensitize the people on the findings and recommendations of the Commission, and implement its recommendations. Accordingly, the Government should constitute the "Follow-up Committee" called for by the Truth and Reconciliation Commission Act (2000) to monitor the implementation of the recommendations of the Commission.**

79. **Fourth, the justice system must be reformed in order to enhance its capacity to protect and promote the rights of the people, and to serve as an instrument of peace, stability and economic development. In this connection, the Government should spare no efforts in providing resources to ensure that the judiciary performs its roles in an efficient manner and that an effective legal aid programme is established to provide legal assistance to people in rural areas and those who cannot afford to hire a lawyer.**

80. **Fifth, it is imperative to embark on a comprehensive law reform programme to provide the bedrock of respect for human rights and fundamental freedoms. Issues of utmost importance in this regard are the discriminatory practices against women, gender-based violence, in particular the practice of female genital mutilation, domestic violence, rape, child labour, and juvenile justice. This process would be facilitated, should the Government as a priority ratify and implement the relevant international conventions that it has signed, including the Convention on the Elimination of Discrimination against Women, on which extensive consultations had taken place in Parliament. It is also imperative for the Government to implement its treaty reporting obligations and recommendations of United Nations human rights treaty bodies.**

81. **Considering the myriad of human rights issues in Sierra Leone, it is imperative that a strong human rights presence be maintained in Sierra Leone after the termination of UNAMSIL, in an integrated United Nations system as envisaged by the Secretary-General in his twenty-fifth report on UNAMSIL (S/2005/273, para. 63). Through this, much needed support will be provided to the national authorities in the area of human rights.**

82. **The task of combating impunity and promoting the rule of law lies first and foremost with national leaders. I encourage all stakeholders to call upon African leaders to jointly take a position for the surrender of Mr. Taylor to the Special Court, in the interest of both justice and peace.**